

Notice of Allowability

Application No.

10/083,933

Examiner

Shaima Q. Aminzay

Applicant(s)

YARKOSKY ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 29, 2006.
2. ☒ The allowed claim(s) is/are 1,3,5,6,9-12,15,16 and 19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 3, 5, 6, 9-12, 15, 16, and 19 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reason for allowance:

The applicant filed amendment on September 29, 2006 in response to the final office action mailed July 27, 2006, canceling the rejected claims 20-30 under the rejection 35 USC 103 (a) puts the application in condition for allowance. The allowability of independent claims 1, 11, and dependent claims 3, 5-6, 9-10, 12, 15-16, and 19 were acknowledged in the previous office action.

The prior art specifically Rudrapatna (Rudrapatna U. S. Publication 2002,0132,600) and Smith (Smith et al. U. S. Patent 6006075) failed to render obviousness in combination or individually and failed to anticipate individually the following underlined limitations:

"A method for transmitting wireless signals in a CDMA distributed antenna system, the method comprising the steps of: providing a plurality of antennas, where each antenna is configured to transmit a wireless signal to a receiver; identifying one of the plurality of antennas to transmit the wireless signal to the receiver by selecting the one of the plurality of antennas based on geographic proximity to the receiver, wherein selecting the one of the plurality of antennas based on geographic proximity to the receiver includes (i) calculating a distance between each one of the plurality of antennas and the receiver thereby establishing a set of distances, and (ii) selecting one of the plurality of antennas corresponding to the smallest distance among the set of distances; and transmitting the wireless signal by the one of the plurality of antennas to the receiver." as disclosed in claim1.

"A CDMA distributed antenna system comprising in combination: a plurality of antennas, where each antenna is configured to transmit a wireless signal; a pathway manager coupled to the plurality of antennas, the pathway manager configured to identify one of the plurality of antennas to transmit the wireless signal by selecting the one of the plurality of antennas based on a geographic proximity to the receiver; wherein the pathway manager identifies the one of the plurality of antennas by calculating a distance between each antenna and the receiver thereby establishing a set of distances and selecting the one of the plurality of antennas corresponding to the smallest distance among the set of distances; and a receiver configured to receive the wireless signal transmitted by

the one of the plurality of antennas." as disclosed in claim 11.

For these reasons, independent claims 1 and 11 are allowable. Claims 3, 5-6, 9-10 are depend of the independent claim 1, claims 12, 15-16, and 19 are dependent of the independent claim 11 are allowable under the same reasons set forth in claims 1 and 11.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)

October 10, 2006



Matthew D. Anderson
Supervisory Patent Examiner